

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

METROPOLITAN TRANSPORTATION  
AUTHORITY, et al.,

Plaintiffs,

NEW YORK CITY DEPARTMENT OF  
TRANSPORTATION, et al.,

Intervenor-Plaintiffs,

v.

SEAN DUFFY, in his official capacity as  
Secretary of the United States Department of  
Transportation, et al.,

Defendants.

CIVIL ACTION NO. 1:25-cv-01413-LJL

**DECLARATION OF DANIEL  
PEARLSTEIN IN SUPPORT OF  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

1. I, Daniel Pearlstein, set forth that I am over the age of 18 years and am competent to attest to the facts contained in this Declaration.

2. I am the Policy Director of Riders Alliance.

3. Riders Alliance is a grassroots community organization of New York subway and bus riders. We formed in 2012 in response to the maintenance and service cuts and fare hikes imposed by state leaders in the long wake of the 2008 financial crisis. We began organizing at subway stations in select Brooklyn neighborhoods, expanding our reach citywide to improve bus service and win more affordable fares for low-income riders. Our organizers meet working New Yorkers where they are, waiting for public transit service on subway platforms and at bus stops.

4. Riders Alliance members come from a multitude of backgrounds and live all throughout New York City. What unites our membership is a reliance on public transit service to get around. Most of our members, like a majority of New Yorkers as a whole, do not own cars and rent their homes. Like several million of their neighbors, they depend on the subway and bus

to commute to work, school, medical appointments, shopping, family occasions, religious observance, and to meet friends and enjoy the opportunities the city offers. When the subway and buses are slow or unreliable, our members lose precious time in their busy days and miss out on important life events, additional work shifts, new job or educational opportunities, and more.

5. Over a five-year period beginning in 2012, monthly subway delays tripled due to a confluence of factors, including antiquated signal equipment dating back several decades. By 2017, subway riders were losing an estimated 34,900 hours each weekday morning and \$280 million each year in lost time, according to the New York City Independent Budget Office.<sup>1</sup> After mounting pressure from Riders Alliance members and other interested parties to upgrade failing infrastructure, then Governor Andrew Cuomo announced his intention to pass congestion pricing to help pay for the necessary capital improvements. Over an 18-month period, Riders Alliance planned and executed our “Fix the Subway” campaign to hold the governor to his promise and persuade the legislature to adopt the program. We were successful and congestion pricing was enacted as part of the state’s fiscal year 2020 budget.

6. Once congestion pricing became New York law, Riders Alliance members pushed for the program’s implementation, which followed several twists and turns before switching on. Specifically, members rallied repeatedly to urge Governor Kathy Hochul to embrace the program upon taking office and to pursue federal approval. When the governor paused implementation in 2024, Riders Alliance members rallied numerous times and even sued the governor to have it started, settling in return for a guarantee that she would take no additional steps to block it.

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<sup>1</sup> New York City Independent Budget Office, “We Are Being Held Momentarily:” How Much Time and Money Are New York City Subway Riders Losing to Delays? 9 (Oct. 2017), <https://www.ibo.nyc.ny.us/iboreports/we-are-being-held-momentarily-how-much-time-and-money-are-new-york-city-subway-riders-losing-to-delays-october-2017.pdf>.

7. While subway delays were the initial impetus for our support for congestion pricing, over the past several years we've found two additional compelling reasons. One is the MTA's settlement with disability advocates promising to make subway stations accessible over a lengthy timeline and contingent on the availability of funds, some of which are raised through congestion pricing. The other is the strong case for speeding up New York's notoriously slow bus service—worst in the nation—and bus riders are overwhelmingly low-income workers riding the bus out of practical necessity and paying dearly for it in lost time.<sup>2</sup>

8. Throughout, our member-driven campaign to Fix the Subway via congestion pricing is also informed by our partnership with the Community Service Society, an antipoverty organization founded two centuries ago. If there were ever any doubt about who uses public transportation in New York and who benefits from congestion pricing, it should be put to rest by their finding that “[f]or every working New Yorker in poverty who will regularly face a congestion charge, 50 workers will benefit through the mandated investment of congestion revenues in transit upgrades.”<sup>3</sup>

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<sup>2</sup> New York City Comptroller, *The Other Transit Crisis: How to Improve the NYC Bus System* 27, 13 (Nov. 2017), <https://comptroller.nyc.gov/wp-content/uploads/documents/The-Other-Transit-Challenge.pdf>.

<sup>3</sup> Irene Lew, Debipriya Chatterjee, & Emerita Torres, Community Service Society, *What Does Congestion Pricing Mean for Outer-Borough New Yorkers in Poverty?* (Mar. 14, 2022), <https://www.cssny.org/news/entry/congestion-pricing-outer-borough-new-yorkers-poverty-data-analysis>.

I declare under penalty of perjury and under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct.

Executed on June 27, 2025

  
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Daniel Pearlstein